

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS MORAN

Plaintiff, No. CIV S-00-2210 FCD CMK P

vs.

R.S. GAITONDE, et al.,

Defendants.

ORDER

On April 18, 2005, plaintiff filed a “Notice of Motion and Motion to Set Aside, Order and Vacate Judgement...” Plaintiff’s motion seeks to “set aside” the order filed March 8, 2005, which adopted in full the Magistrate Judge’s findings and recommendations filed on February 03, 2005. Plaintiff argues that the Court’s March 8, 2005 order should be set aside because it was based on the “erroneous assumption” that plaintiff failed to file objections to the findings and recommendations, when plaintiff did in fact file timely objections.

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Although the order filed March 8, 2005 did not reference the objections filed by plaintiff on February 28, 2005, the objections were in fact reviewed by the Court.

Accordingly, IT IS ORDERED that plaintiff's motion to set aside the March 8, 2005 order adopting the Magistrate Judge's findings and recommendations is denied.

DATED:August 22, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge

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